



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5564 of 2021

Sabeek Rahman

... Petitioner/Accused No.11

Vs

State Rep. by
The Inspector of Police,
Kennikarai, Ramanathapuram.
(In Crime No.549 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Navaneetharaja.K.,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- To Bail in Crime No.549 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who was arrested on 29.01.2021 for the offences punishable under Sections 147, 148, 294(B), 342, 323, 324, 307, 506 (ii) and 302 IPC in Crime No.549 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.08.2020 at about 12.00 pm., when the defacto complainant and his friends walked towards Balammal utensil shop, the petitioner and other accused came in opposite direction. At that time, due to previous enmity, the defacto complainant's friend attacked one of the accused. Due to that motive, on 03.00 pm., all the accused persons attacked the defacto complainant and his friends with deadly weapons and also abused in filthy language. Due to that attack, the defacto complainant's friend died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner herein is arrayed as All and he is in judicial custody for 63 days.

<https://hcmrecords.gov.in/hcmrecords/>



4.The learned Government Advocate(Crl.Side) appearing for the respondent strongly opposed this petition on the ground that there is specific overt act against the petitioner herein that he caught hold the deceased to facilitate the other accused to attack. He further submitted that A1 and A4 in this case were detained under Goondas Act and other accused were arrested and released on bail.

5.It is seen that on 31.08.2020 at about 12.00 pm., when the defacto complainant and his friends walked towards Balammal utensil shop, the petitioner and other accused came in opposite direction. At that time, due to previous enmity, the defacto complainant's friend attacked one of the accused. Due to that motive, on 03.00 pm., all the accused persons attacked the defacto complainant and his friends with deadly weapons and also abused in filthy language. Due to that attack, the defacto complainant's friend died. The specific allegation against the petitioner herein is that he caught hold the deceased to facilitate the attack. It is also seen that A1 and A4 in this case were detained under Goondas Act and other accused were arrested and released on bail.

6.Considering the above facts and circumstances and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/04/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
INSPECTOR OF POLICE,
KENNIKARAI, RAMANATHAPURAM.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5564 of 2021
Date :19/04/2021

gns
JM/PN/SAR III/19.04.2021/3P/6C